

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

MWK RECRUITING, INC.,

Plaintiff

v.

EVAN P. JOWERS,

Defendants

Case No. 1:18-cv-00444-RP

EVAN P. JOWERS,

Counterclaimant

v.

**MWK RECRUITING, INC.,
ROBERT E. KINNEY,
KINNEY RECRUITING LLC, and
KINNEY RECRUITING LIMITED,**

Counterdefendants

**MWK'S OBJECTIONS AND MOTION TO STRIKE/EXCLUDE EVIDENCE,
ARGUMENTS, AND WITNESSES OF JOWERS**

TABLE OF CONTENTS

I.	Preliminary Note.....	1
II.	Testimony and exhibits about unrelated issues, matters previously adjudicated by the Court, and live issues omitted from the FF&CL should be excluded/stricken.	2
	A. Exhibits and testimony regarding unrelated issues should be excluded/stricken.	3
	B. Testimony and exhibits about issues that the Court has previously adjudicated should be excluded.	4
	1. Unpaid Bonuses.....	4
	2. Retroactive Reduction of Commissions.....	4
	3. Promissory Estoppel.....	5
	4. Truth in Lending	5
	5. Liquidated Damages.....	5
	C. Issues omitted from the FF&CL should be excluded.....	6
	1. Hong Kong Expenses Claims	6
	2. Estoppel Affirmative Defense	7
	3. Duress Affirmative Defense	8
	4. Unconscionability Affirmative Defense	8
	5. Fraud Affirmative Defense.....	9
	6. Prior Material Breach Affirmative Defense	9
III.	Jowers’s proposed witnesses who were not properly disclosed should be stricken and excluded.	9
	A. Persons who were not named at all in Jowers’s Rule 26 disclosures must be excluded as witnesses.....	10
	B. Persons for whom Jowers gave no indication of subject matter in his Rule 26 disclosures must also be excluded as witnesses.	11
	C. Exercise of the Court’s discretion to permit these witnesses to testify is not warranted.	12
IV.	Other objections to exhibits.	12
	A. MWK objects to Jowers’s exhibits that have not been appropriately identified.	12
	B. MWK objects to Jowers’s exhibits that have not been previously produced.....	13
V.	Table of Exhibits and Objections.....	14-39

I. Preliminary Note

Soon after resigning, Jowers vowed that he would outspend his former employer and do whatever he could to make this case as costly and difficult as possible to prosecute. (REK Decl., ¶¶2-3, **Exhibits A-B**). On this promise, he has kept his word. By his own account, Jowers now expects to spend over \$2 million in his vengeful efforts. (Jowers Brief, Dkt. 246, at 29). As we prepare for trial, nothing about Jowers's tactics has changed. Noting that he is "paid by the hour," Jowers's counsel, Robert Tauler, recently argued for a four-week trial, adding:

"...there is so much to go over in this case. Just the Kinney Letter to the Admissions Committee is going to take a day alone. If I get the chance at this trial, I am going to roast Robert Kinney on the witness stand real slow like a pig over hot coals. I believe they call that a cookout where you are from. Yee haw!!!!"

(REK Decl., at ¶4, **Exhibit C**).¹ A threat to spend an entire day of trial on a completely extraneous issue speaks for itself.

Trial of the remaining issues in this case should be able to be completed in one day. To streamline the case and avoid as much additional waste as possible, MWK seeks an order barring Jowers from raising issues at trial or presenting exhibits that relate solely to issues which are wholly unrelated to this case or to issues which have already been adjudicated by the Court. Jowers also should not be permitted to raise issues or introduce exhibits related solely to issues which are not included in his

¹ This sort of communication from Mr. Tauler to MWK's counsel, as well as to MWK's employees and business partners, has been a steady diet. As discussed with Judge Austin on March 24, 2021 (Dkt. 282), MWK intends to present a comprehensive motion for sanctions in this case post-trial because of the delay, obstruction, and harassment from Jowers and his counsel.

Proposed Findings of Fact and Conclusions of Law (the “FF&CL”) – having failed to include findings regarding his only remaining claim and several of his previously pled affirmative defenses, those issues are now not part of the Court’s pretrial order and should be considered terminated. *Geiserman v. MacDonald*, 893 F.2d 787, 790 (5th Cir. 1990) (“We will not disturb “a trial court's decision to exclude evidence as a means of enforcing a pretrial order . . . absent a clear abuse of discretion.”). MWK also objects to and moves to strike and/or exclude each Jowers’s proposed witnesses who were not properly disclosed pursuant to Rule 26. MWK also notes that Jowers failed to appropriately identify certain exhibits as required and produced as proposed exhibits at least one document which was not previously disclosed as required by Rule 26. MWK objects to the improper identification and moves to strike exhibits that were not previously produced. Finally, Jowers included a “stipulated facts” list with his pretrial submissions. (Dkt. 305-1). MWK has reviewed Jowers’s proposed stipulations but has not agreed to also stipulate to them. For the sole purpose of trial in this matter, MWK agrees to stipulate to the following of the FF&CL: FF-1, FF-3, FF-4, FF-10, FF-16, FF-36.

II. Testimony and exhibits about unrelated issues, matters previously adjudicated by the Court, and live issues omitted from the FF&CL should be excluded/stricken.

The FF&CL and exhibit list (Dkt. 305-2) (the “Exhibit List”) demonstrate that Jowers intends to introduce evidence regarding issues that have nothing to do with this case, as well as evidence regarding claims that have already been adjudicated by the Court; conversely, the FF&CL completely omit findings and conclusions from the

pretrial order related to Jowers's sole remaining claim (for Hong Kong expenses) and several of his affirmative defenses. Wholly unrelated and previously adjudicated issues should be barred from presentation at trial and related exhibits stricken. Previously live issues omitted from the FF&CL have been omitted from the pretrial order and should also be barred from presentation at trial.

A. Exhibits and testimony regarding unrelated issues should be excluded/stricken.

Because they have nothing to do with this case, exhibits and testimony related to each of the following issues should be excluded/stricken and barred from presentation at trial. The exhibits associated with these issues are listed below and are noted on the accompanying table with the notation, "UI."

- 1) Mr. Tauler's application for admission to practice before the WDTX;
- 2) distributions under and disclosures regarding the MWK 401K plan (D-128; D-129; D-174; D-197; D-238);
- 3) actual or contemplated loans to Jowers other than the ones at issue in this case (D-59; D-60; D-64; D-65; D-68 to D-74; D-116; D-117; D-118; D-119 to D-122; D-154);
- 4) matters that relate solely to remuneration and responsibilities of MWK employees other than Jowers (D-22 to D-32; D-34; D-35; D-38 to D-44; D-47; D-48; D-51; D-54; D-61 to D-63; D-80; D-81; D-85 to D-88; D-98; D-100; D-101; D-104; D-106; D-108; D-109; D-111; D-269; D-312 to D-314; D-320; D-332);
- 5) matters related only to Jowers's unpled allegations that MWK defamed him following his resignation (D-233; D-239; D-241 to D-243; D-250 to D-251); and

6) matters otherwise completely unrelated to the triable issues in this case (D-5; D-55; D-179; D-252 to D-261; D-319; D-321).

B. Testimony and exhibits about issues that the Court has previously adjudicated should be excluded/stricken.

MWK objects to the introduction of exhibits and testimony related to the following issues which have already been adjudicated by the Court.

1. Unpaid Bonuses.

The Exhibit List contains several exhibits that are related solely to his claim for unpaid bonuses, even though the Court previously granted summary judgment on this claim. Testimony regarding unpaid bonuses should be barred and related exhibits should be stricken/excluded. The related exhibits (marked with “**UB**” in the Table of Exhibits and Objections and Section V below) are: D-77; D-95, D-105; D-107; D-164, D-165; D-173, D-190; D-191.

2. Retroactive Reduction of Commissions.

In the FF&CL, at ¶¶ 3, 4, 5, 6, 7, 8, and 29, Jowers proposes findings of fact which relate solely to his former claim for breach of contract related to improper payment of his commissions. The Court has already granted MWK summary judgment as to these claims. (Dkt. 285, at 8, 12). Testimony regarding reduction of commissions should be barred and related exhibits should be stricken/excluded. The related exhibits (each marked with “**RRC**” in the Table of Exhibits and Objections and Section V below) are: D-49; D-50; D-52; D-53; D-57; D-67; D-84; D-183; D-227; D-229; D-230; D-317.

3. Promissory Estoppel

The FF&CL, at ¶¶30, 31 and 32, present proposed findings related to alleged promises to Jowers regarding the Hong Kong contract and work visa. The Court has already granted summary judgment on all Jowers's promissory estoppel claims. (Order on MSJs, Dkt. 285, at 12, n. 4, and 14). Testimony regarding promises to Jowers should be barred and related exhibits should be stricken/excluded. The related exhibits (each marked with "PE" in the Table of Exhibits and Objections and Section V below) are: D-58; D-130 to D-138; D-140 to D-142; D-146 to D-153; D-155 to D-161; D-163; D-166; D-167; D-170; D-176; D-177; D-224; D-307.

4. Truth in Lending

The FF&CL present findings of fact related to his Truth in Lending Act and similar arguments at ¶¶ 8, 14, 15. The Court has already ruled that because Jowers did not plead these allegations, they were forfeited. (Order, Dkt. 285, at 15, n. 5). Testimony regarding this and similar laws should be barred and related exhibits should be stricken/excluded. The related exhibits (each marked with "TiL" in the Table of Exhibits and Objections and Section V below) are: D-118; D-122; D-315; D-316.

5. Liquidated Damages

The FF&CL, at finding of fact ¶37, as well as a conclusion of law ¶7, present findings and conclusions related to enforceability of the liquidated damages provision in the Jowers Agreement. The Court has already ruled that Jowers waived his arguments about the unenforceability of liquidated damages. (Order on MSJs,

Dkt. 285, at 21). Testimony and exhibits regarding liquidated damages enforceability should be barred.

C. Issues omitted from the FF&CL should be excluded.

The Court should order that, to the extent factual findings and legal issues are not contained in the FF&CL, those issues are not part of the pretrial order, are waived, and will be barred from presentation at trial. *See, Morris v. Homco Int'l, Inc.*, 853 F.2d 337, 342 (5th Cir. 1988) (concluding that claims or issues omitted from the pretrial order are waived).

1. Hong Kong Expenses Claims

The FF&CL propose no findings or conclusions related to Hong Kong office expenses. Further, Jowers's Initial Disclosures gave no information regarding his damages related to any unpaid expenses. (REK Decl., at ¶¶5-7, **Exhibits D-F**). Rule 26(a) provides that a party's Rule 26 disclosures must provide "a *computation of each category of damages* claimed by the disclosing party..." Fed. R. Civ. P. 26(a)(1)(A)(iii) (emphasis added). Under Rule 37(c)(1), "If a party fails to provide information or identify a witness as required by Rule 26(a) or (e), the party is not allowed to use that information or witness to supply evidence on a motion, at a hearing, or at trial, unless the failure was substantially justified or is harmless." Fed. R. Civ. P. 37(c)(1). Where a party does not give information regarding her damages as required under Rule 26, the proper remedy is exclusion. *See, CQ, Inc. v. TXU Mining Co.*, 565 F.3d 268, 280 (5th Cir. 2009) (affirming trial court's exclusion of late-disclosed damages computations). Therefore, even if the FF&CL had included

findings and conclusions regarding his allegedly unpaid expenses, that information would have been excludable under Rule 37 because Jowers never bothered to compute his damages and provide the required disclosure of his computation. The Court should order that, in view of Jowers's failure to make proper disclosures and to include unpaid office expenses in the pretrial order, no testimony or exhibits related to unpaid Hong Kong office expenses may be entered at trial. The related exhibits (each marked with "**HKE**" in the Table of Exhibits and Objections and Section V below) are: D-144; D-172; D-184; D-225; D-228; D-231; D-235 to D-237; D-331.

2. Estoppel Affirmative Defense

MWK also objects to the introduction of any testimony or exhibits to support Jowers's defense of estoppel. The affirmative defense of estoppel consists of four elements: "(1) the plaintiff must know the facts of the defendant's infringing conduct; (2) the plaintiff must intend that its conduct shall be acted on or must so act that the defendant has a right to believe that it is so intended; (3) the defendant must be ignorant of the true facts; and (4) the defendant must rely on the plaintiff's conduct to its injury." *Carson v. Dynegy, Inc.*, 344 F.3d 446, 453 (5th Cir. 2003). The FF&CL do not even attempt to present even a *prima facie* showing of the elements of this defense. Because Jowers has failed to present facts and conclusions that would at least support a *prima facie* showing of the elements of his defense of estoppel, the Court should exclude any testimony and exhibits Jowers would present to support his unsubstantiated defense.

3. Duress Affirmative Defense

MWK also objects to the introduction of any testimony or exhibits to support Jowers's defense of duress. Under Florida law, to prove duress, "it must be shown (a) that the act sought to be set aside was effected involuntarily and thus not as an exercise of free choice or will and (b) that this condition of mind was caused by some improper and coercive conduct of the opposite side." *City of Miami v. Kory*, 394 So.2d 494 (Fla. 3d DCA 1981). "Threatened action cannot constitute duress, when there are adequate legal remedies available with which to challenge it." *Id.*, citing *Hartsville Oil Mill v. United States*, 271 U.S. 43 (1926). The FF&CL do not present any findings to support even a *prima facie* showing that this defense applies. Therefore, the Court should also exclude any testimony and exhibits Jowers would present to support his unsubstantiated defense of duress.

4. Unconscionability Affirmative Defense

"The test for unconscionability assesses whether, in light of the parties' general commercial background and needs, the provision is so unilateral as to have been unconscionable at the time of formation. The objective is to prevent oppression and unfair surprise, not to disturb the allocation of risks stemming from one party's superior bargaining position." *Davis v. EGL Eagle Global Logistics LP*, 243 F. App'x 39, 45-46 (5th Cir. 2007) (citing *In re FirstMerit Bank, N.A.*, 52 S.W.3d 749, 756 (Tex. 2001)). Again, the FF&CL do not attempt to present a *prima facie* case that any actions of MWK or its predecessors were unconscionable. Therefore, the Court should

also exclude any testimony and exhibits Jowers would present to support unconscionability.

5. Fraud Affirmative Defense

The affirmative defense of fraud requires proof of “(1) a misrepresentation of a material facts; (2) knowledge by the person making the statement that the representation is false; (3) intent by the person making the statement that the representation would induce another to rely and act on it; and (4) that the plaintiff suffered injury in justifiable reliance on the representation.” *Tomasini v. Mt. Sinai Med. Ctr. of Fla., Inc.*, 315 F. Supp. 2d 1252, 1259 (S.D. Fla. 2004) (quoting *Susan Fixel, Inc. v. Rosenthal Rosenthal, Inc.*, 842 So.2d 204, 209 (Fla. 3d DCA 2003)). The FF&CL again do not even attempt to present a *prima facie* basis for this defense. Therefore, related testimony and exhibits should be excluded/barred.

6. Prior Material Breach Affirmative Defense

The FF&CL do not allege that MWK or that any MWK entity breached the Jowers Agreement. Therefore, the Court should also exclude any testimony or exhibits Jowers would present to support Jowers’s unsubstantiated material breach defense.

III. Jowers’s proposed witnesses who were not properly disclosed should be stricken and excluded.

Jowers’s pretrial submission includes numerous witnesses. (Witness List, Dkt. 305-3). All but four of his proposed witnesses should be excluded pursuant to Rule 37(c)(1) for failure to disclose them as required by Rule 26. *See, Quanta Servs.*

Inc. v. Am. Admin. Grp. Inc., 384 F. App'x 291, 295 (5th Cir. 2008) (district court did not abuse its discretion by striking witness who was not previously disclosed).

Rule 26(a) provides that a party's Rule 26 disclosures must provide "*the name* and, if known, the address and telephone number of each individual likely to have discoverable information—*along with the subjects of that information*—that the disclosing party may use to support its claims or defenses..." Fed. R. Civ. P. 26(a)(1)(A)(i) (emphasis added). Jowers provided his initial Rule 26 disclosures on November 18, 2018, with two supplements, on August 26, 2020, and on December 11, 2020. (REK Decl., at ¶¶5-7, **Exhibits D-F**).

A. Persons who were not named at all in Jowers's Rule 26 disclosures must be excluded as witnesses.

None of Jowers's Rule 26 disclosures listed any of the following names, yet each is on Jowers's Witness List (Dkt. 305-3), and each should be stricken and excluded from testifying:

- | | | |
|-------------------|------------------|------------------|
| • Alexis Lamb | • Renee Sommers | • Xenia Chiu |
| • Peter Gutensohn | • Paige Drewlow | • Tatiana Jowers |
| • Leiming Chen | • Steve Kang | • Ryan Grimm |
| • Xunming Lim | • Anthony Kammer | • Jingyi Wang |
| • Liang Zheng | • Jason Thompson | • Anais Ning |
| • Leo Zhou | • Joe Casey | • Felicia Chen |
| • Yilong Luo | • Zhixin Liu | • William Son |
| • Ben Yao | • Junghyun Baek | • Beiming Liu |

- Max Chu
- Ily Grace Yumul-Villanueva
- Patty Zhu
- Robert Williams
- Jae Taek Hong
- Shu-en Wee
- Edward Zhang
- Lianchen (Claire) Liu
- Mark Tan

B. Persons for whom Jowers gave no indication of subject matter in his Rule 26 disclosures must also be excluded as witnesses.

Similarly, although Jowers listed the following names of persons “likely to have discoverable information” in his supplemental Rule 26 disclosure dated August 26, 2020, he did not provide any indication of the subjects of the discoverable information these persons might possess, as was required by Rule 26. Accordingly, each should also be barred from testifying:

- Meng Ding
- Longhao Wang
- James Chang
- Pam Usukumah
- David Kuo
- Judy Huang
- Olivia Wang
- Rose Zhu
- Jason Lim
- Jolyn Ang
- Ben Su
- Aster Lin
- Jenny Qi
- Samson Peng
- Cynthia Mo
- Phong Quan
- Ingram Weber
- Shingong Wang
- Christina Mao
- Grace Wong
- Kevin Chow
- Yang Ge
- Jiazhen Yan
- Alex Ye
- Amit Singh
- Michele Discepola
- Gillian Teo
- Christie Mok
- Calvin Soon
- Guang Yang
- Brian Snyder
- Joon Kim
- Erika Tang
- Eric Xu
- Yiting Li
- Samson Peng

- Ferish Patel
- Jenny Qi
- Tae Hun Kim
- Rui Xie
- Steven Holm
- Stan Yao
- James Jackson
- Enlin Jiang
- Miae Woo
- Qi Zhang
- Nick Park
- Sheng Shao
- Sean Song
- Xinwei Li

C. Exercise of the Court’s discretion to permit these witnesses to testify is not warranted.

Despite Jowers’s violations of Rule 26, the Court has discretion to permit the witnesses to testify, but only if the Court first finds that Jowers’s failure to make the disclosures required by Rule 26 was “substantially justified or harmless.” Fed. R. Civ. P. 37(c)(1). The Court should not make such a finding. To do so would be wasteful and would permit Jowers to unfairly surprise MWK with whatever subjects these persons might know. In summary, after eliminating the improperly disclosed witnesses, all Jowers’s proposed witnesses should be excluded EXCEPT the following four: Yuliya Vinokurova, Robert Kinney, Daniel Cyr, and Evan Jowers.

IV. Other objections to exhibits.

A. MWK objects to Jowers’s exhibits that have not been appropriately identified.

Local Rule 16(f) and the Court’s Order of October 15, 2021 (Dkt. 301), required that the parties submit their exhibit lists including “an appropriate identification of each exhibit as specified in this rule (except those to be used for impeachment only), separately identifying those that the party expects to offer and those that the party may offer if the need arises.” Local Rule 16(f)(4). Jowers did not separate his exhibits

into “may offer” and “will offer” categories. MWK objects to this failure to categorize. More importantly, Jowers produced 52 Exhibits without sufficient information to identify what they are and was unable to produce PDF copies of the exhibits despite multiple requests before these objections were due. The related exhibits (each marked with “CF” in the Table of Exhibits and Objections and Section V below) are: D-6 to D-16; D-19; D-20; D-33; D-37; D-52; D-56; D-66; D-92; D-115; D-126; D-139; D-162; D-175; D-181; D-189; D-198; D-232; D-240; D-245; D-269; D-273 to D-275; D-279; D-293; D-297 to D-299; D-302; D-304; D-305; D-311; D-318; D-322 to D-324; D-330; D-331; D-334; D-335. MWK objects to the failure to appropriately identify these exhibits. To the extent that the Court decides to allow Jowers the opportunity to identify his previously unidentified exhibits, MWK requests that it be allowed to lodge appropriate objections when it has access to the exhibits.

B. MWK objects to Jowers’s exhibits that have not been previously produced.

In addition to failing to identify 52 of his Exhibits appropriately, Jowers also identified as an exhibit at least one document that had not been previously produced in this case: D-269. This document was not previously produced as required by Rule 26(a)(1)(A)(ii). For the same reasons that Jowers’s evidence and his claims regarding Hong Kong Expenses should be excluded/stricken, exhibits he seeks to use at trial that Jowers has not previously produced should also be stricken and excluded. Once Jowers produces an appropriate identification of his previously unidentified exhibits, MWK requests that it be permitted to seek to strike those exhibits that were not previously produced.

V. Table of Exhibits and Objections**Objection Key:**

Numerical objections refer to the Federal Rules of Evidence

- CI** – MWK is unable to identify this exhibit or the exhibit was not previously produced.
- UI** – This exhibit is wholly unrelated to the triable issues in this case.
- UB** – This exhibit relates to unpaid bonuses, a matter that has been adjudicated.
- RRC** – This exhibit relates to retroactive reduction of commissions, a matter that has been previously adjudicated.
- PE** – This exhibit relates to Jowers's promissory estoppel claims, which have been previously adjudicated.
- TiL** – This exhibit relates to Jowers's Truth in Lending and related claims, which have been previously adjudicated.
- HKE** – This exhibit relates to Jowers's Hong Kong expenses claims, which were not properly disclosed and have been omitted from the pretrial order.

Exh. #.	Title Assigned by Jowers	Objections
D-1	2004-02-26 Articles of Incorporation of Recruiting Partners, Inc.	402
D-2	2004-04-09 Assumed Name Certificate for Filing with the Secretary of State Recruiting Partners, L.P. assumed Kinney Recruiting L.P.	402
D-3	2006-04-24 Email from Kinney to Jowers Subject Re: the ultimat result of lawlaterals is to promote Kinney Recruiting	401, 402, 403
D-4	2006-05-01 Evan Jowers Associate Recruiter Employment Agreement with Kinney Recruiting L.P. Dkt. 80-1	
D-5	2006-05-03 Email from Jowers to Kinney Subject: Leopard's List	401, 402, 403, UI

Exh. #.	Title Assigned by Jowers	Objections
D-6	2006-05-23 Email from Jowers to Kinney Subject: RE: let's chat this evening (how about 6:40pm?)	CI
D-7	2006-05-24 Email from Jowers to Kinney Subject: RE: Kirkland & Ellis to open in Hong Kong	CI
D-8	2006-06-16 Email from Jowers to Kinney Subject: FW: Fwd: Hong Kong US based firms seek US corporate associates (no language required)	CI
D-9	2006-06-30 Email from Jowers to Kinney Subject: derivatives CA	CI
D-10	2006-07-01 Email from Jowers to Kinney Subject: RE: elg / lawlaterals	CI
D-11	2006-09-18 Email from Jowers to Kinney Subject: RE: Holzman Offer and your Incentive	CI
D-12	2006-10-04 - Certificate of Formation of Sommers Accounting, LLC	CI
D-13	2006-10-28 Email from Jowers to Kinney Subject: RE: minor expenses for October	CI
D-14	2006-11-10 Email from Jowers to Kinney Subject: FW: LAUREN WALZ -'04 UTexas venture capital / corporate associate from Latham & Watkins	CI
D-15	2006-12-16 Evan Jowers Employment Agreement	CI
D-16	2007-02-20 - Renee F. Sommers LLC Certificate of Amendment (Name Change)	CI
D-17	2007-03-09 – Recruiting Partners GP, Inc. Texas Franchise Tax Public Information Report Filing No. 800312489	401, 402, 403, 802

Exh. #.	Title Assigned by Jowers	Objections
D-18	2007-12-31 – Assignment of Employment and Other Agreements by Kinney Recruiting, L.P. to Recruiting Partners GO, Inc. Dkt. 80-3	401, 402, 403
D-19	2007-12-31 Dissolution of Recruiting Partners LP	CI
D-20	2007-12-31 Recruiting Partners L.P. Voluntarily Terminated Screenshot	CI
D-21	2008-02-21 Email from Kinney to Jowers Subject: Re: any news re abovethelaw.com? (MWK- 004170)	401, 402, 403, UI
D-22	2008-06-16 Email from Jowers to Kinney Subject: Re: Peter Gutensohn (MWK-005254)	401, 402, 403, UI
D-23	2008-06-16 Email from Jowers to Kinney Subject: Re: Peter Gutensohn (MWK-005256)	401, 402, 403, UI
D-24	2008-06-16 Email from Jowers to Kinney Subject: Re: Peter Gutensohn (MWK-005258)	401, 402, 403, UI
D-25	2008-06-16 Email from Jowers to Kinney Subject: Re: Peter Gutensohn (MWK-005259)	401, 402, 403, UI
D-26	2008-06-16 Email from Jowers to Kinney Subject: Re: Peter Gutensohn (MWK-005260)	401, 402, 403, UI
D-27	2008-06-16 Email from Kinney to Jowers Subject: Re: Peter Gutenson (MWK-005257)	401, 402, 403, UI
D-28	2008-06-17 Email from Jowers to Kinney Subject: Re: Peter Gutensohn (MWK-005261)	401, 402, 403, UI
D-29	2008-06-17 Email from Jowers to Kinney Subject: Re: Peter Gutensohn (MWK-005262)	401, 402, 403, UI
D-30	2008-06-17 Email from Jowers to Kinney Subject: Re: Peter Gutensohn (MWK-005266)	401, 402, 403, UI
D-31	2008-06-17 Email from Jowers to Kinney Subject: Re: Peter Gutensohn (MWK-005267)	401, 402, 403, UI

Exh. #.	Title Assigned by Jowers	Objections
D-32	2008-06-17 Email from Jowers to Kinney Subject: Re: Peter Gutensohn (MWK-005268)	401, 402, 403, UI
D-33	2008-07-06 Email from Kinney to Jowers Subject: Fwd: Special Asia Advertising - Exhibit A Amendment	CI
D-34	2008-07-09 Email from Jowers to Kinney Subject: RE: Note Added – George Wilkinson (MWK- 005539)	401, 402, 403, UI
D-35	2008-07-16 Email from Kinney Subject: Note Added – Job: #15475 – Peter Gutensohn (MWK-005654)	401, 402, 403, 802, UI
D-36	2008-07-28 Email from Jowers to Kinney Subject: RE: ATL article	401, 402, 403, 901, UI
D-37	2008-07-28 Email from Kinney to Jowers Subject: Re: atl articles	CI
D-38	2008-07-29 Email from Jowers Subject: Re Note Added - James Lin (MWK-005954)	401, 402, 403, 802, UI
D-39	2008-07-29 Email from Kinney to Jowers Subject: Re Note Added - James Lin (MWK- 005944)	401, 402, 403, UI
D-40	2008-08-04 Email from Jowers to Gutensohn, Kinney Subject: RE: Checking in (MWK- 006007)	401, 402, 403, 802, UI
D-41	2008-08-04 Email from Jowers to Gutensohn, Kinney Subject: RE: Arthur Nathan; Haynes & Boone (MWK- 006011)	401, 402, 403, 802, UI
D-42	2008-08-04 Email from Kinney to Gutensohn Subject: Re: Checking in (MWK-006001)	401, 402, 403, 802, UI
D-43	2008-08-06 Email from Kinney to Jowers Subject: Fwd: Spoke with Evan (MWK-006027)	401, 402, 403, UI

Exh. #.	Title Assigned by Jowers	Objections
D-44	2008-08-06 Email from Kinney to Roark, Holzman, Jowers, Rea Subject: Craig Bergez; Porter & Hedges, Houston (MWK- 006023)	401, 402, 403, UI
D-45	2008-12-17 Email from Kinney to Jowers Subject: Re: Phil Culhane	401, 402, 403, UI
D-46	2008-12-30 Email from Kinney to Jowers Subject: Fed: Steven's dough (MWK- 008450)	401, 402, 403, UI
D-47	2009-01-06 Email from Drew Prisner Subject: Re: (MWK-008561)	401, 402, 403, 802, UI
D-48	2009-01-06 Email from Peter Gutensohn to Daniel, Drew, Yuliya, CC'd Robert Kinney (MWK-008551)	401, 402, 403, 802, UI
D-49	2009-01-28 New Asia Plan for 2009 (MWK-150634)	401, 402, 403, RRC
D-50	2009-01-28 Re_New Asia Plan for 2009 (MWK-150635)	401, 402, 403, RRC
D-51	2009-01-29 Email from Jowers to Kinney Subject: spoke with Alexis	401, 402, 403, 802, UI
D-52	2009-01-29 Email from Kinney to Jowers Subject: RE: New Asia Plan for 2009	CI
D-53	2009-01-29 Re_New Asia Plan for 2009 (MWK-150638)	401, 402, 403, RRC
D-54	2009-04-21 Email from Gutensohn to Kinney Subject: DLA HK (MWK- 010269)	401, 402, 403, UI
D-55	2009-05-13 Email from Gutensohn to Kinney CC'd Recruiters Subject: RE: Management Lesson (not PC, but important to remember, especially for lawyers) (EJOW0000055407)	401, 402, 403, UI
D-56	2009-09-16 Email from Jowers to Kinney Subject: RE: New Asia Plan for 2009	CI

Exh. #.	Title Assigned by Jowers	Objections
D-57	2009-09-16 Re_New Asia Plan for 2009 (MWK-151780)	401, 402, 403, RRC
D-58	2009-09-30 Immigration Department, the Government of the Hong Kong Special Admin Region (MWK- 113155)	401, 402, 403, PE
D-59	2010-03-12 Chat with Robert Kinney (MWK-138362)	401, 402, 403, UI
D-60	2010-03-16 Chat with Robert Kinney (MWK-164377)	401, 402, 403, UI
D-61	2010-05-18 Email from Kinney to Lamb and CC'd Jowers Subject: Re: Check deposited – next visa steps	401, 402, 403, UI
D-62	2010-06-17 Email from Kinney to Jowers Subject: alexis trainin	401, 402, 403, UI
D-63	2010-10-07 Alexis Lamb Associate Recruiter Employment Agreement (MWK048025)	401, 402, 403, UI
D-64	2011-04-19 Re_ here comes some frustration for you that i tried to avoid (MWK-140534)	401, 402, 403, UI
D-65	2011-04-20 Chat with Robert Kinney (MWK-140548)	401, 402, 403, UI
D-66	2011-11-06 Email from Kinney to Jowers Subject: Re: Our offer!	CI
D-67	2011-11-30 Evan Jowers Commission Spreadsheet (MWK-163409)	401, 402, 403, RRC
D-68	2012 Loans Outstanding (MWK-043064)	401, 402, 403, UI
D-69	2012 Original Loan Before Promissory Note Interest Calculation (MWK-164673)	401, 402, 403, UI
D-70	2012-02-22 Email from Kinney to Sommers Subject: Re: Evan Loan (MWK-176782)	401, 402, 403, UI
D-71	2012-02-22 Evan Loan (MWK-176777)	401, 402, 403, UI

Exh. #.	Title Assigned by Jowers	Objections
D-72	2012-04-02 Loan to Evan - 20,000 at 17% (MWK- 176804)	401, 402, 403, UI
D-73	2012-04-11 Email from Kinney to Sommers Subject: \$42,500 received in HK from Kirkland (MWK- 176825)	401, 402, 403, UI
D-74	2012-04-13 Re_Seton Gala (MWK-164499)	401, 402, 403, UI
D-75	2012-05-11 Email from Kinney to Sommers Subject: Re: How Much to pay Evan (MWK-176915)	401, 402, 403, RRC
D-76	2012-05-17 Email from Kinney to Sommers Subject: Re: 5/15 paystub (MWK-042216)	401, 402, 403, RRC
D-77	2012-05-17 Email from Kinney to Sommers Subject: Re: 5/15 paystub (MWK-176933)	401, 402, 403, UB
D-78	2012-05-29 Email from Sommers to Kinney Subject: [blank], Attachments: peter5.31pay.pdf; evanpay5.31.pdf; evanloanat5.31.pdf; (MWK- 176958)	401, 402, 403, UI
D-79	2012-07-02 Email from Kinney to Sommers Subject: Re: shouldn't I have received 9k after taxes on this paycheck? (MWK-177044)	401, 402, 403
D-80	2012-08-09 Email from Lamb to Gutensohn, Kinney Subject: Re: Update from Joe B. At Jones Day Singapore (MWK-177099)	401, 402, 403, UI
D-81	2012-08-10 Email from Sommers to Gardner, Lamb and CC'd to Kinney Subject: RE: Fw: o k: Fw: Michael Qiao's case (MWK- 177117)	401, 402, 403, 802, UI
D-82	2012-08-28 Email from Gutensohn to Carr, Kinney Subject: Re: from Joshua; update on Kung-Wei Liu (MWK-177203)	401, 402, 403, UI
D-83	2012-09-13 - Certificate of Formation of Counsel Unlimited LLC	401, 402, 403

Exh. #.	Title Assigned by Jowers	Objections
D-84	2012-09-13 Email from Kinney to Sommers Subject: Re: Evan Pay(MWK- 177285)	401, 402, 403, RRC
D-85	2012-09-13 Email from Kinney to Sommers Subject: Re: Evan Pay (MWK- 177288)	401, 402, 403, UI
D-86	2012-09-18 Email from Kinney to Sommers and CC'd Gutensohn Subject: Fwd: crisis issue (MWK-177322)	401, 402, 403, UI
D-87	2012-10-10 Email from Kinney to Sommers Subject: Re: Naveen Pogula placement (MWK- 177368)	401, 402, 403, UI
D-88	2012-10-10 Email from Kinney to Sommers, CC'd Matthew Subject: Re: Naveen Pogula placement (MWK-177364)	401, 402, 403, UI
D-89	2012-10-15 Security Agreement (MWK- 000037)	
D-90	2012-10-16 Assignment of Employment and Other Agreements by Kinney Recruiting, Inc. Dkt. 78-7	401, 402, 403
D-91	2012-11-01 Evan P. Jowers Promissory Note (MWK- 000012)	
D-92	2012-11-27 Separation Agreement between Kinney Recruiting Limited and Alexis Lamb	CI
D-93	2012-11-29 CUL Line of Credit Agmt (MWK- 000018)	
D-94	2012-11-30 Jowers Commission Spreadsheet (MWK-048429)	
D-95	2012-12-27 Re_FW_Evan Bonus (MWK- 177484)	401, 402, UB
D-96	2012-12-28 DocuSign Certificate of Completion re Evan Jowers 2012 Forgivable Loan Docs (MWK-000058)	

Exh. #.	Title Assigned by Jowers	Objections
D-97	2012-12-28 Email from Sommers to Kinney Subject: RE: Update on Cash after Payroll (MWK-164527)	401, 402, 403
D-98	2012-12-31 Email from Kinney to Gutensohn, Jowers Subject: Josh looking for a paycheck (EJOW0000222564)	401, 402, 403, UI
D-99	2012-9-26 CUL EIN (Michelle Kinney Sole Member) (MWK- 047434)	401, 402, 802
D-100	2013-05-29 Email from Kinney to Gutensohn Subject: Re: payroll (MWK- 177707)	401, 402, 403, UI
D-101	2013-05-29 Email from Kinney to Gutensohn Subject: Re: payroll (MWK- 177708)	401, 402, 403, UI
D-102	2013-06-06 Email from Kinney to Sommers Subject: Re: Evan Interest Credit (MWK- 164538)	401, 402, 403
D-103	2013-06-06 Re_Evan Interest Credit (MWK- 177719)	401, 402, 403,
D-104	2013-06-12 Email from Gutensohn to Kinney Subject: Re: because the market is so hot, I recommend you allow josh to call for me for one month (MWK-177725)	401, 402, 403, 802, UI
D-105	2013-06-25 Re_E-Ticket Confirmation- EKBPOQ 10JUN (MWK-177759)	401, 402, 403, UB
D-106	2013-07-26 Email from Sommers to Wong Subject: RE: Kinney Recruiting Ltd. Audit 2012 (MWK-177786)	401, 402, 403, 802, UI
D-107	2013-5-16 Email from Kinney to Sommers Subject: Re: Commission Spreadsheet (MWK- 055092)	401, 402, 403, UB
D-108	2014-03-15 Email from Kinney to Gutensohn, Jowers Subject: Meetings (MWK- 077518)	401, 402, 403, UI

Exh. #.	Title Assigned by Jowers	Objections
D-109	2014-04-28 Email from Kinney to Sommers Subject: Re: Payroll (MWK- 178196)	401, 402, 403, 802, UI
D-110	2014-05-28 Email from Kinney to Sommers Subject: RE: Evan (MWK- 178227)	401, 402, 403, 802
D-111	2014-08-22 Email from Kinney to Jowers, Gutensohn Subject: Fwd: updated info for payment to Joshua Carr (EJOW0000146122)	401, 402, 403, UI
D-112	2014-10-21 Re_can we have a phone chat during your Monday Texas Time (MWK- 178378)	401, 402, 403, 802, 901
D-113	2014-11-12 Email from Kinney to Sommers Subject: Re: Payroll Questions (MWK-178425)	401, 402, 403, 802
D-114	2014-12-31 - Counsel Unlimited Public Information Report	401, 402, 403, 802, 901
D-115	2014-12-31 - Counsel Unlimited Public Information Report	CI
D-116	2015-03-23 Loan for Evan (MWK-178740)	401, 402, 403, UI
D-117	2015-03-23 Re_Loan for Evan (MWK-178743)	401, 402, 403, UI
D-118	2015-03-26 Email from Jowers to Kinney Subject: Yes, please give me my draw end of month (MWK- 000337-MWK000340)	401, 402, 403, UI, TiL
D-119	2015-03-27 Re_Yes, please give my draw end of month (MWK-178767)	401, 402, 403, UI
D-120	2015-03-27 Rwd_Yes, please give me my draw end of month (MWK-178759)	401, 402, 403, UI
D-121	2015-03-31 Email from Kinney to Sommers Subject: \$3000 (MWK- 178778)	401, 402, 403, UI
D-122	2015-03-31 Email from Kinney to Sommers Dkt. 259- 14	401, 402, 403, UI, TiL,

Exh. #.	Title Assigned by Jowers	Objections
D-123	2015-04-09 Email from Kinney to Sommers Subject: Loan to Evan (MWK- 178787)	401, 402, 403
D-124	2015-05-12 Re_EVAN Payroll (MWK-178811)	802
D-125	2015-05-26 Re_Can you send me 12k today (MWK-178837)	802
D-126	2015-06-17 Article Published on Above the Law: Kinney's Evan Jowers Now Permanently Based In Hong Kong	CI
D-127	2015-07-24 Email from Kinney to Sommers Subject: Re: Commission/Loans - Cash Flow (MWK-178915)	401, 402, 403, 802, UI
D-128	2015-08-04 401K Loan (MWK-178961)	401, 402, 403, 802, UI
D-129	2015-08-04 Email from Sommers to "Distributions Request" CC'd Kinney Subject: Re: Loan for employee at Kinney Recruiting (MWK-178957)	401, 402, 403, 802, UI
D-130	2015-08-07 Email from Kinney to Lai, CC'd Tan, Wong, Jowers Subject: Re: Work Visa (MWK-111563)	401, 402, 403, 802, PE
D-131	2015-08-08 Re_Work Visa (MWK-111620)	401, 402, 403, 802, PE
D-132	2015-08-10 Re_Work Visa (MWK-111670)	401, 402, 403, 802, PE
D-133	2015-08-20 Re_Work Visa (MWK-112284)	401, 402, 403, 802, PE
D-134	2015-08-20 Re_Work Visa (MWK-112332)	401, 402, 403, 802, PE
D-135	2015-08-20 Re_Work Visa (MWK-112336)	401, 402, 403, 802, PE
D-136	2015-08-21 Re_Work Visa (MWK-112352)	401, 402, 403, 802, PE

Exh. #.	Title Assigned by Jowers	Objections
D-137	2015-08-30 Re_Work Visa (MWK-112754)	401, 402, 403, 802, PE
D-138	2015-08-31 Re_Work Visa (MWK-112761)	401, 402, 403, 802, PE
D-139	2015-09-07 Email from Wong to Kinney, CC'd Jowers, Tan Lai Subject: Re: Work Visa	CI
D-140	2015-09-07 Re_Work Visa (MWK-113154)	401, 402, 403, 802, PE
D-141	2015-09-07 Re_Work Visa (MWK-113159)	401, 402, 403, 802, PE
D-142	2015-09-07 Re_Work Visa (MWK-113167)	401, 402, 403, 802, PE
D-143	2015-09-09 Re_funds I need for Swiss holiday (MWK- 178983)	401, 402, 403, 802
D-144	2015-09-22 Email from Kinney to Sommers Dkt 259-6	401, 402, 403, HKE
D-145	2015-10-06 Email from Kinney to Gutensohn, Jowers Subject: Re: A&O asked me to go after Eugene Lee and He Li (EJOW0000188324)	401, 402, 403, 802, UI
D-146	2015-10-10 Re_Work Visa (MWK-115356)	401, 402, 403, 802, PE
D-147	2015-10-10 Re_Work Visa (MWK-115366)	401, 402, 403, 802, PE
D-148	2015-10-12 Fwd_RE_Work Visa (MWK-115433)	401, 402, 403, 802, PE
D-149	2015-10-12 Re_Work Visa (MWK-115398)	401, 402, 403, 802, PE
D-150	2015-10-12 Re_Work Visa (MWK-115400)	401, 402, 403, 802, PE
D-151	2015-10-12 Re_Work Visa (MWK-115428)	401, 402, 403, 802, PE

Exh. #.	Title Assigned by Jowers	Objections
D-152	2015-10-12 Re_Work Visa (MWK-115429)	401, 402, 403, 802, PE
D-153	2015-10-12 through 2015-11- 05 Emails between Jowers and Kinney Dkt. 259-11	401, 402, 403, 802, PE
D-154	2015-10-15 Re_can you please wire me 5k on Monday US time (MWK-114984)	401, 402, 403, UI
D-155	2015-10-15 Re_RE_Work Visa (MWK-115635)	401, 402, 403, 802, PE
D-156	2015-10-20 Re_RE_Work Visa (MWK-115937)	401, 402, 403, 802, PE
D-157	2015-10-22 Re_RE_Work Visa (MWK-116273)	401, 402, 403, 802, PE
D-158	2015-10-24 Evan needs work Visa (MWK-116424)	401, 402, 403, 802, PE
D-159	2015-10-24 Re_RE_Work Visa (MWK-116413)	401, 402, 403, 802, PE
D-160	2015-10-24 Re_RE_Work Visa (MWK-116416)	401, 402, 403, 802, PE
D-161	2015-11-03 Re_Re_Work Visa (MWK-116916)	401, 402, 403, 802, PE
D-162	2015-11-05 Barnes Complaint Case No. BC600371	CI
D-163	2015-11-11 Re_RE_Work Visa (MWK-179211)	401, 402, 403, 802, PE
D-164	2015-11-12 Email from Kinney to Jowers Subject: Re: sorry about my emails re bonus, etc. (MWK-117430)	401, 402, 403, 802, UB
D-165	2015-11-21 Email from Kinney to Sommers Subject: Re: EARLY CLOSE DATE FOR NOVEMBER 30 (MWK-179304)	401, 402, 403, 802, UB
D-166	2015-11-5 Evan needs Visa (MWK-117002)	401, 402, 403, 802

Exh. #.	Title Assigned by Jowers	Objections
D-167	2015-12-02 Re_ crazy I know, but can you wire me 8k before end of week (MWK-118085)	401, 402, PE
D-168	2015-3-23 charging 17% per month (MWK-178740)	401, 402, 403, UI
D-169	2015-3-23 Wire (MWK- 178742)	
D-170	2015-6-13 Jowers Moving Soon to HK (MWK-178890)	401, 402, 802
D-171	2015-8-5 Housing Costs HK (MWK-055092)	401, 402, 403
D-172	2015-9-22 I scheduled Evan's October rent to be paid on the 26th to the Four Seasons	401, 402, 403, HKE
D-173	2016- 12-13 Email from Kinney to Sommers Subject: Re: Evan Bonus (MWK- 180000) Duplicate D-45?	401, 402, UB
D-174	2016 MWK Recruiting 401(K) Plan Summary Plan Description (MWK-120277)	401, 402, 403, UI
D-175	2016-02-03 Email from Jowers to Sommers CC'd Kinney, Gardner Subject: Re: My W2 has some strange address in FL as my address	CI
D-176	2016-03-24 Emails between Kinney and Jowers 259-12	401, 402, 403, PE
D-177	2016-03-24 Re_ Can we move forward with work visa next week (MWK-123831)	401, 402, 403, PE
D-178	2016-05-11 - Counsel Unlimited LLC tax Filing	401, 402, 403, 802, 901
D-179	2016-06-02 Email from Gutensohn to Kinney, Jowers Subject: Re: What's up w Gutensohn deals? (EJOW0000270739)	401, 402, 403, 802, 901, UI
D-180	2016-08-16 Email from Kinney to Sommers Subject: Re: the below analysis of my	401, 402, 403

Exh. #.	Title Assigned by Jowers	Objections
	spreadsheet (and additional facts) has me at about \$230,000 in the black (MWK-179828)	
D-181	2016-08-17 Email from Kinney to Sommers Subject: Re: the below analysis of my spreadsheet (and additional facts) has me at about \$230,000 in the black	CI
D-182	2016-09-20 Email from Kinney to Sommers Subject: Money for Evan (MWK-179888)	401, 402, 403
D-183	2016-10-06 Email from Jowers to Sommers Subject: Re: Invoice from Kinney Recruiting Limited for the placement of Jacqueline Tang (MWK-135114)	401, 402
D-184	2016-10-18 Email from Kinney to Jowers, Sommers Subject: Re: Re: Four Seasons Place - Extension of Room 5242 (MWK-135549)	401, 402, 403, 802, HKE
D-185	2016-10-26 Email from Kinney to Sommers Subject: Re: Hong Kong Money (MWK-179946)	401, 402, 403, 802
D-186	2016-10-26 Email from Kinney to Sommers Subject: Fwd: pipeline, request fro funds for my 6 week holiday coming up. (MWK- 179948)	401, 402, 403
D-187	2016-10-26 Email from Kinney to Sommers Subject: EVAN STATUS FINANCIAL - Invitation to edit (MWK-179952)	401, 402, 403, 802
D-188	2016-10-26 Payroll Preview Details (MWK-179945)	401, 402, 403
D-189	2016-11-22 Email from Kinney to Jowers Subject: Invoice from Kinney Recruiting Limited for the placement of Hui Xu	CI
D-190	2016-12-13 Email from Kinney to Sommers Subject: Re: Evan Bonus (MWK-180000)	401, 402, 403, 802, UB
D-191	2016-12-13 Emails between Kinney and Sommers Dkt. 259-8	401, 402, 403, 802, UB

Exh. #.	Title Assigned by Jowers	Objections
D-192	2016-12-14 Email from Kinney to Sommers Subject: Re: Evan Status for Next Pay Period (MWK-180006)	401, 402, 403, 802
D-193	2016-12-14 Email from Sommers to Kinney Subject: Re: Evan Status for Next Pay Period (MWK- 180008-MWK-180009)	401, 402, 403, 802
D-194	2016-12-14 Emails between Kinney and Sommers Dkt. 259-10	401, 402, 403, 802
D-195	2016-12-14 Re_Evan Status for Next Pay Period (MWK- 180003)	401, 402, 403, 802
D-196	2016-12-14 Re_Evan Status for Next Pay Period (MWK- 180004)	401, 402, 403, 802
D-197	2016-12-15 Email from Sommers Subject: 401K Plan Disclosures for 2016/2017 (MWK-136863)	401, 402, 403, 802, UI
D-198	2016-12-15 Evan Jowers Commission Spreadsheet	CI
D-199	2016-12-16 Email from Jowers to Sommers Subject: Re: question re this pay period (MWK- 136925)	802
D-200	2016-12-16 Email from Kinney to Jowers Subject: Re: with a heavy heart, I am going to have to resign now (at least temporarily, until we can figure out a more fair arrangement) (MWK-136904)	401, 402, 403
D-201	2016-12-16 Question re this pay period (MWK- 136917)	802
D-202	2016-12-16 Re_ question re this pay period (MWK- 136922)	802
D-203	2016-12-23 Fwd_Fw_Re_ Resume and Deal Sheet (MWK-180083)	401, 402, 403
D-204	2016-12-23 Fwd_Resume and Deal Sheet (MWK-180036)	401, 402, 403

Exh. #.	Title Assigned by Jowers	Objections
D-205	2016-12-23 Fwd_Resume and Deal Sheet (MWK-180040)	401, 402, 403
D-206	2016-12-24 FWD_Fw_Re_Resume and Deal Sheet (MWK-136993)	401, 402, 403
D-207	2016-12-24 Re_Fw_Re_Resume and Deal Sheet (MWK-136994)	401, 402, 403
D-208	2016-12-24 Re_Fw_Re_Resume and Deal Sheet (MWK-136995)	401, 402, 403
D-209	2016-12-24 Re_Simply not convinced the '06 agreement is enforceable (DLAREL0000050076)	401, 402, 403
D-210	2016-12-24 Re_Simply not convinced the '06 agreement is enforceable (DLAREL0000050077)	401, 402, 403
D-211	2016-12-24 Re_Simply not convinced the '06 agreement is enforceable (DLAREL0000050078)	401, 402, 403
D-212	2016-12-24 Simply not convinced the '06 agreement is enforceable (DLAREL0000050068)	401, 402, 403
D-213	2016-12-26 Blue logo -jowers- small.jpg (DLAREL0000050155)	401, 402, 403
D-214	2016-12-26 Fiduciary duties owed by employees under FL law (DLAREL0000050107)	401, 402, 403
D-215	2016-12-26 Of course, on our next call I can give you a list of all live candidates (DLAREL0000050162)	401, 402, 403
D-216	2016-12-26 Re_Fiduciary duties owed by employees under FL law (DLAREL0000050116)	401, 402, 403

Exh. #.	Title Assigned by Jowers	Objections
D-217	2016-12-26 Re_Fiduciary duties owed by employees under FL law (DLAREL0000050117)	401, 402, 403
D-218	2016-12-26 Re_Fiduciary duties owed by employees under FL law (DLAREL0000050157)	401, 402, 403
D-219	2016-12-26 Re_Fiduciary duties owed by employees under FL law (DLAREL0000050158)	401, 402, 403
D-220	2016-12-26 Re_Fiduciary duties owed by employees under FL law (DLAREL0000050159)	401, 402, 403
D-221	2016-12-26 Re_Fiduciary duties owed by employees under FL law (DLAREL0000050160)	401, 402, 403
D-222	2016-12-26 Re_Fiduciary duties owed by employees under FL law (DLAREL0000050166)	401, 402, 403
D-223	2016-3-21 Wire (Revolving Loan) (MWK-123627)	401, 402, 403
D-224	2016-3-24 Still no Work Visa (MWK-123831)	401, 402, 403, PE
D-225	2016-6-8 (Four Seasons Interest Free) (MWK-179759)	401, 402, 403, HKE
D-226	2016-6-8 (Four Seasons Interest Free)(MWK-179759)	Duplicate of D-225- same objections
D-227	2016-7-16 Invoice No. 88437 from Kinney Recruiting Limited to Davis Polk & Wardwel (MWK-132030)	401, 402, 403, RRC
D-228	2016-8-17 Four Seasons Status (MWK-164652)	401, 402, 403, HKE

Exh. #.	Title Assigned by Jowers	Objections
D-229	2016-8-19 Email from Jowers to Yeung, CC'd Sommers, Kinney Subject: Jing Kang placement (MWK-132032)	401, 402, 403, RRC
D-230	2016-8-19 Invoice No. 88440 from Kinney Recruiting Limited to Kirkland & Ellis (MWK-134802)	401, 402, 403, RRC
D-231	2016-9-26 Payment of Four Seasons (MWK-134752)	401, 402, 403, HKE
D-232	2017-01-01 MWK Recruiting 401(K) Plan Annual Notice	CI
D-233	2017-01-02 Fwd_Resume and Deal Sheet (MWK-180080)	401, 402, 403, 802, UI
D-234	2017-01-03 Fwd_FW_please sign off on my 401k distribution form (thanks!) (MWK-180101)	401, 402, 403, UI
D-235	2017-01-05 Email from Jowers to Sommers Subject: Fwd: Your Itinerary for Hong Kong, Hong Kong - Nov 02, 2013 (Itinerary #21168892346) (MWK- 137036)	401, 402, 403, HKE
D-236	2017-01-05 Email from Jowers to Sommers Subject: Fwd: YOUR ITINERARY: 17MAR SHA HKG – ZMNZBW (MWK- 137035)	401, 402, 403, HKE
D-237	2017-01-05 Email from Jowers to Sommers Subject: Fwd: E. JOWERS 03- 15-14 Itinerary (MWK- 137034)	401, 402, 403, HKE
D-238	2017-01-09 Email from Vilaseca to Support, Jowers and CC'd Sommers Subject: RE: please sign off on my 401k distribution form (thanks!) (MWK-180175)	401, 402, 403, 901, 802, UI
D-239	2017-01-10 Re_Visit in Hong Kong (MWK-180203)	401, 402, 403, UI
D-240	2017-01-11 Email from Kinney to David Blumental	CI

Exh. #.	Title Assigned by Jowers	Objections
D-241	2017-01-11 RE_Visit in Hong Kong (MWK-180214)	401, 402, 403, UI
D-242	2017-01-11 Re_Yufei Li placement still up in the air (MWK-180221-MWK- 180230)	401, 402, 403, UI
D-243	2017-01-19 Email from Kinney to Gordon Subject: Follow Up (MWK- 180281-MWK-180282))	401, 402, 403, UI
D-244	2017-01-31 Assignment of Notes, Security Agreements, and Claims Dkt. 80-7	401, 402, 403
D-245	2017-02-10 Email from Sommers to Jowers Subject: W-2	CI
D-246	2017-03-27 MWK Recruiting LLC Original Verified Petition and Application for Injunctive Relief Dkt. 1-2	401, 402, 403
D-247	2017-05-10 - Counsel Unlimited LLC Tax Filing	401, 402, 403, 802, 901
D-248	2017-05-10 - Counsel Unlimited LLC Tax Filing	401, 402, 403, 802, 901
D-249	2017-05-10 - Counsel Unlimited LLC Tax Filing.PDF	401, 402, 403, 802, 901
D-250	2017-07-20 Email from Kinney Subject: Placements by Evan Jowers, Yuliya Vinokurova, et al. (MWK-180283-MWK-180284)	401, 402, 403, UI
D-251	2017-07-24 Email from Everett Johnson to Robert Kinney Subject: RE: Placements by Evan Jowers, Yuliya Vinokurova, et al. (MWK-180286-MWK-180287)	401, 402, 403, 802, 901, UI
D-252	2017-11-28 Fwd_Meng Ding Placement Fee (MWK- 180294)	401, 402, 403, UI
D-253	2017-11-28 Meng Deng Placement Fee (MWK-180290)	401, 402, 403, UI

Exh. #.	Title Assigned by Jowers	Objections
D-254	2017-11-29 Re_Meng Ding Placement Fee (MWK- 180298-MWK-180301)	401, 402, 403, UI
D-255	2017-11-29 RE_Meng Ding Placement Fee (MWK- 180302)	401, 402, 403, UI
D-256	2017-12-03 Re_Meng Ding Placement Fee (MWK- 180305)	401, 402, 403, UI
D-257	2017-12-05 RE_Meng Ding Placement Fee (MWK- 180312)	401, 402, 403, UI
D-258	2017-12-06 Meng Ding - Fee Issue in Hong Kong (MWK- 180315)	401, 402, 403, UI
D-259	2018-02-19 Re_Meng Ding - Fee Issue in Hong Kong (MWK-180321)	401, 402, 403, UI
D-260	2018-05-31 Re_Meng Ding - Fee Issue in Hong Kong (MWK-180328)	401, 402, 403, UI
D-261	2018-06-07 Re_Meng Ding - Fee Issue in Hong Kong (MWK-180330)	401, 402, 403, UI
D-262	2018-06-29 Plaintiff's First Amended Complaint Dkt. 13	401, 402, 403
D-263	2018-08-24 - Dec. of Kinney ISO Pltfs Response to Defs MTD Dkt, 35-5	401, 402, 403
D-264	2018-08-24 – Declaration of Robert E. Kinney ISO Pltfs Response to Defs MTD Dkt. 35-5	401, 402, 403
D-265	2019-03-06 - MWK Entities' Supplemental Brief ISO Standing and Jurisdiction Responses to Defendant/Counterclaimant's First Set of Interrogatories Dkt. 73	401, 402, 403
D-266	2019-03-06 - Supp. Dec. of Kinney ISO MWK's Supplemental Brief ISO Standing and Jurisdiction Dkt, 73-1	401, 402, 403
D-267	2019-03-25 Declaration of Evan P. Jowers Dkt. 80-11	401, 402, 403

Exh. #.	Title Assigned by Jowers	Objections
D-268	2019-03-25 Plaintiff's Second Amended Complaint Dkt. 80	401, 402, 403
D-269	2019-09-09 Email from Gutensohn to Jowers Subject: Fwd: Agreement Proposal from REK	401, 402, 403, 802, 901, UI, CI
D-270	2019-09-16 - Counsel Unlimited LLC Tax Filing	401, 402, 403, 802, 901
D-271	2019-09-16 - Counsel Unlimited LLC Tax Filing	401, 402, 403, 802, 901
D-272	2019-09-16 - Counsel Unlimited LLC Tax Filing	401, 402, 403, 802, 901
D-273	2020-02-04 - Kinney's VERIFICATION of Response to Jowers' First Rogs	CI
D-274	2020-02-04 - Kinney's VERIFICATION of Responses to Jowers' First Revised Rogs	CI
D-275	2020-02-04 - MWK's Verification to Responses to Jower's First Revised Set of Rogs	CI
D-276	2020-03-25 - Dec. of Kinney ISO MWK's Motion to Compel Production of Documents Dkt, 143-1	401, 402, 403
D-277	2020-03-25 - Dec. of Kinney ISO MWK's Motion to Compel Production of Documents Dkt. 143-1	401, 402, 403
D-278	2020-04-15 - Dec. of Kinney ISO MWK's Reply to Jowers and Kirkland Responses to MTC and Response to Kirkland Motion to Quash Dkt, 160-1	401, 402, 403
D-279	2020-04-30 Email from Kinney to Bookhout CC'd Bernardo, Katz, Mort, Loanzon Subject: Loan Accounting and Reply to your Letter	CI
D-280	2020-07-06 - Dec. of Kinney ISO Response to Jowers' Motion to Enforce Protective Order Dkt. 182-1	401, 402, 403

Exh. #.	Title Assigned by Jowers	Objections
D-281	2020-07-06 - Dec. of Kinney ISO Response to Jowers' Motion to Enforce Protective Order Dkt. 182-1	401, 402, 403
D-282	2020-07-07 - Dec. of Kinney ISO MWK's Response to Jowers' Motion to Resolve Disputed Confidentiality Obligations Dkt, 183-1	401, 402, 403
D-283	2020-07-07 - Dec. of Kinney ISO MWK's Response to Jowers' Motion to Resolve Disputed Confidentiality Obligations Dkt. 183-1	401, 402, 403
D-284	2020-07-14 - MWK's Dec. of Kinney in Support of Opp. to Jower's MJOP Dkt. 187-1	401, 402, 403
D-285	2020-07-14 - MWK's Dec. of Kinney in Support of Opp. to Jower's MJOP Dkt. 187-1	401, 402, 403
D-286	2020-07-22 Declaration of Peter Gutensohn Dkt. 192-1	401, 402, 403, 802, 901
D-287	2020-07-23 - MWK's Dec. of Kinney ISO Reply on Motion for Entry of Amended Scheduling Order Dkt. 193-1	401, 402, 403
D-288	2020-07-23 - MWK's Dec. of Kinney ISO Reply on Motion for Entry of Amended Scheduling Order Dkt. 193-1	401, 402, 403
D-289	2020-07-24 - MWK's Supp Responses to Jowers' Interrogatories 1-23	401, 402, 403
D-290	2020-07-24 - MWK's VERIFICATION of Interrogatories 1-23	401, 402, 403
D-291	2020-07-24- Kinney Declaration w. Exhibits Dkt. 194-1	401, 402, 403
D-292	2020-07-24- Kinney Declaration w. Exhibits Dkt. 194-1	401, 402, 403

Exh. #.	Title Assigned by Jowers	Objections
D-293	2020-09-03 - MWK's Responses and Objections to 3rd interrogatories	CI
D-294	2020-10-15 - Dec. of Kinney ISO MWK's Response to Jowers' MTC Answers to Rogs 23-24 and RFPs 151-160 Dkt. 209-1	401, 402, 403
D-295	2020-10-15 Dec. of Kinney ISO MWK's Response to Jowers' MTC Answers to Rogs 23-24 and RFPs 151-160 Dkt. 209-1	401, 402, 403
D-296	2020-10-16 Declaration of Renee Sommers Dkt. 210-1	401, 402, 403, 802
D-297	2020-10-23 Kinney Entities' Second Revised Initial Disclosures	CI
D-298	2020-10-26 Jowers Timeline of Kinney Entities	CI
D-299	2020-11-08 PPP Screen Shot taken at 1.29.43 PM	CI
D-300	2020-11-23 - Supp VERIFICATION of Interrogatories	401, 402, 403
D-301	2020-11-23 Accounting for Jowers Loans	401, 402, 403
D-302	2020-11-23 -MWK Entities' Verification of Interrogatory Responses	CI
D-303	2020-12-31 Email from Kinney to Tauler, CC'd Mort, Loanzon, Saryan, Stein Subject: Issues Raised by Court in its December 18 Order (Only 2007 Asssignment Found)	401, 402, 403
D-304	2021-01-01 - MWK's Formal Resp to Jowers's 5th RFP (161) (Verified)	CI
D-305	2021-01-04 - MWK's Supp Resp to RFPs re Assignment Docs w Verification	CI
D-306	2021-03-20 MWK Entities' Verification of Interrogatory Responses and Supplemental Responses DKt. 266-26	401, 402, 403

Exh. #.	Title Assigned by Jowers	Objections
D-307	About Kinney Recruiting (MWK-111568)	401, 402, 403
D-308	Accounting for Loans to Evan Jowers from September 30, 2016-Present Dkt, 259-17	401, 402, 403
D-309	Accounting for Loans to Evan Jowers from September 30, 2016-Present Dkt, 259-18	401, 402, 403
D-310	Accounting for Loans to Evan Jowers from September 30- 2016 to Present Dkt. 266-5	401, 402, 403
D-311	Accounting Loans to Evan Jowers	CI
D-312	Alexis Lamb Offer of Employment Letter	401, 402, 403, 802, 901, UI
D-313	Associate Recruiter Employment Agreement (MWK-111565)	401, 402, 403, 802, 901, UI
D-314	Associate Recruiter Employment Agreement Exhibit A (MWK-111564)	401, 402, 403, 802, 901, UI
D-315	Austin, TX Code of Ordinances Chapter 4-12 Registration of Credit Services Organizations and Credit Access Businesses	401, 402, 403, 802, 901, TiL
D-316	Chapter 4-12.- Registration of Credit Services Organizations and Credit Businesses Dkt. 259-16	401, 402, 403, 802, 901, TiL
D-317	Chart showing commission earned by Jowers in the years 2014, 2015, 2016 and under the 2006 Agreement, the commission actually earned by Jowers in those three years, and the difference in those amounts Dkt. 259-15	401, 402, 403, 802, 901, RRC
D-318	Counsel Holdings, Inc. Organizational Structure	CI
D-319	Counsel Unlimited _ Website Kinney Recruiting Screenshot	401, 402, 802, 901, UI
D-320	Email from Jowers to Kinney Subject: Chat with Robert Kinney	401, 402, 403, UI

Exh. #.	Title Assigned by Jowers	Objections
D-321	Email Subject: Re: Patton Boggs gossip (MWK-174057)	401, 402, 403, 802, UI
D-322	Evan Jowers 2016 W2	CI
D-323	Evan Jowers Associate Recruiter Employment Agreement with Kinney Recruiting Limited	CI
D-324	Evan Jowers Commission Spreadsheet	CI
D-325	Evan Jowers Commission Spreadsheets for the years 2015 and 2016 Dkt. 259-4	
D-326	Evan Jowers Hong Kong Contract (MWK111565)	401, 402, 403
D-327	Evan Jowers Loan Balances (MWK-164647)	401, 403, 802, 901
D-328	Evan P. Jowers Request for Judicial Notice RE: Motion for Partial Judgement on the Pleadings Pursuant to FRCP 12©(Dkt.177) Dkt. 206	401, 402
D-329	Exhibit 222 to Sommers Depo Spreadsheets Descriptions: Original Loan Before Promissory Note, Revolving Line of Credit-Accounting; Evan Jowers Forgivable Loan;	401, 402
D-330	Exhibit A - Evan Jowers Known Placements	CI
D-331	Four Seasons Payment for Evan Jowers	CI
D-332	Holzman Contract MWK- 008451	401, 402, 403, UI
D-333	Hong Kong Contract Exhibit A (MWK111564)	401, 402
D-334	Loan Accounting Document Exhibit B – 3d Revised Initial Disclosures – Kinney Entities (MWK-1646673?)	CI
D-335	MWK Entities’ Supplemental Responses To Defendant/Counterclaimant’s First Set Of Interrogatories	CI
D-336	Spreadsheets produced by Plaintiff Dkt. 259-9	401, 402, 403

Dated: October 27, 2021

Respectfully Submitted

/s/ Robert E. Kinney

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